

## **REMARKS**

**[0002]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 18-21 are presently pending. Claims amended herein are 18-21. Claims withdrawn or cancelled herein are 1-17 and 22.

### **Formal Request for an Interview**

**[0003]** If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

**[0004]** Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

### **Claim Amendments**

**[0005]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 18-21 herein.

**[0006]** Claim 18 is amended to recite the steps of, *inter alia*, “establishing a peer-to-peer connection” between a first client computer and a second client computer, i.e., “initiating...an invitation...through the first connection...; receiving...an acceptance...identifying...transport bridge types...; creating...the feature sessions

through a second connection, wherein the second connection is a peer-to-peer connection...” Support for the amendment can be found throughout the Application including, for example, Figs. 5 and 6 with the associated text.

**[0007]** Claim 18 is further amended to recite, *inter alia*, “transmitting a first portion of a blob of first data....through the first connection via the switchboard server; transmitting...a subsequent portion of the blob of the first data...through the peer-to-peer connection.” Support for the amendment can be found in the original claim 22, which is hereinafter cancelled without prejudice or disclaimer.

**[0008]** Therefore, no new matter will be introduced by the amendment. Entry to the file is respectfully requested.

## **Substantive Matters**

### **Claim Rejections under § 112**

**[0009]** Claims 18-22 are rejected under 35 U.S.C. § 112, 2<sup>nd</sup> ¶. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

### **Claim Rejections under § 102**

**[0010]** Claims 18-22 are rejected under 35 U.S.C. § 102 for being anticipated by U.S. Patent Application Publication No. 2003/0177184 to Dickerman et al. (“Dickerman”). In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

**[0011]** Independent claim 18, as amended, recites (Emphasis added):  
18. (Currently amended) A computer-readable medium having stored thereon computer-executable instructions for performing a method comprising:  
establishing an instant messaging session between a first client computer and a second client computer through a first connection via a switchboard server;  
establishing a peer-to-peer connection, comprising:  
initiating, at the first client computer, an invitation to the second client computer through the first connection to establish one or more feature sessions between the first client computer and the second

client computer, the invitation identifying all transport bridge types supported by the first client computer;

receiving, from the second client computer, an acceptance through the first connection in response to the invitation at the first client computer, the acceptance identifying at least one or more transport bridge types preferred at the second client computer;

creating, on the basis of the received acceptance, the one or more feature sessions between the first client computer and the second client computer through a second connection, wherein the second connection is a peer-to-peer connection through the one or more preferred transport bridges;

*transmitting a first portion of a blob of first data associated with the instant messaging session through the first connection via the switchboard server; and*

*transmitting, upon the establishment of the second connection, a subsequent portion of the blob of the first data associated with the instant messaging session through the peer-to-peer connection.*

**[0012]** In making out the rejections to claims 18-22, the Office Action takes the position that “Dickerman discloses a computer-readable medium having stored thereon computer-executable instructions for performing a method comprising: establishing an instant messaging session between a first client computer and a second client computer via a switchboard server (e.g., col., 1); automatically establishing a peer-to-peer connection (e.g., col., 1); transmitting first data associated with the instant messaging session via the switchboard server (e.g., col., 2); and transmitting second data associated with the instant messaging session via the peer-to-peer connection (e.g., col., 2).” (Office Action 06/20/2007 at p.4).

**[0013]** Regarding claim 22, the Office Action noted that “Dickerman discloses transmitting a first portion of a blob of the first data via the switchboard server (e.g., col.,7); and transmitting a subsequent portion of the blob of the first data via the peer-to-peer connection (e.g., col., 7).” (Office Action 06/20/2007 at p.5).

**[0014]** Applicant respectfully traverses the rejections. In particular, Applicant herein submits that Dickerman does not teach or suggest “transmitting a first portion of a blob of first data ... through the first connection via the switchboard server; and transmitting...a subsequent portion of the blob of the first data ...through the peer-to-peer connection” as emphasized in amended claim 18.

**[0015]** Dickerman is directed to arrangement and procedures for arranging peer-to-peer communications sessions between applications, i.e., a first application at a first device utilizes online presence information of an instant messaging service to select a second application with which to engage in the peer-to-peer session. The second application is associated with a second device and registered with the instant messaging service as being peer-to-peer session invite capable. The arranged peer-to-peer session is functionally independent of the instant messaging service. (Dickerman, Abstract).

**[0016]** Dickerman discloses exemplary procedures for engaging an instant messaging service to arrange a peer-to-peer session between applications in Fig. 3, which is duplicated below for further discussion.

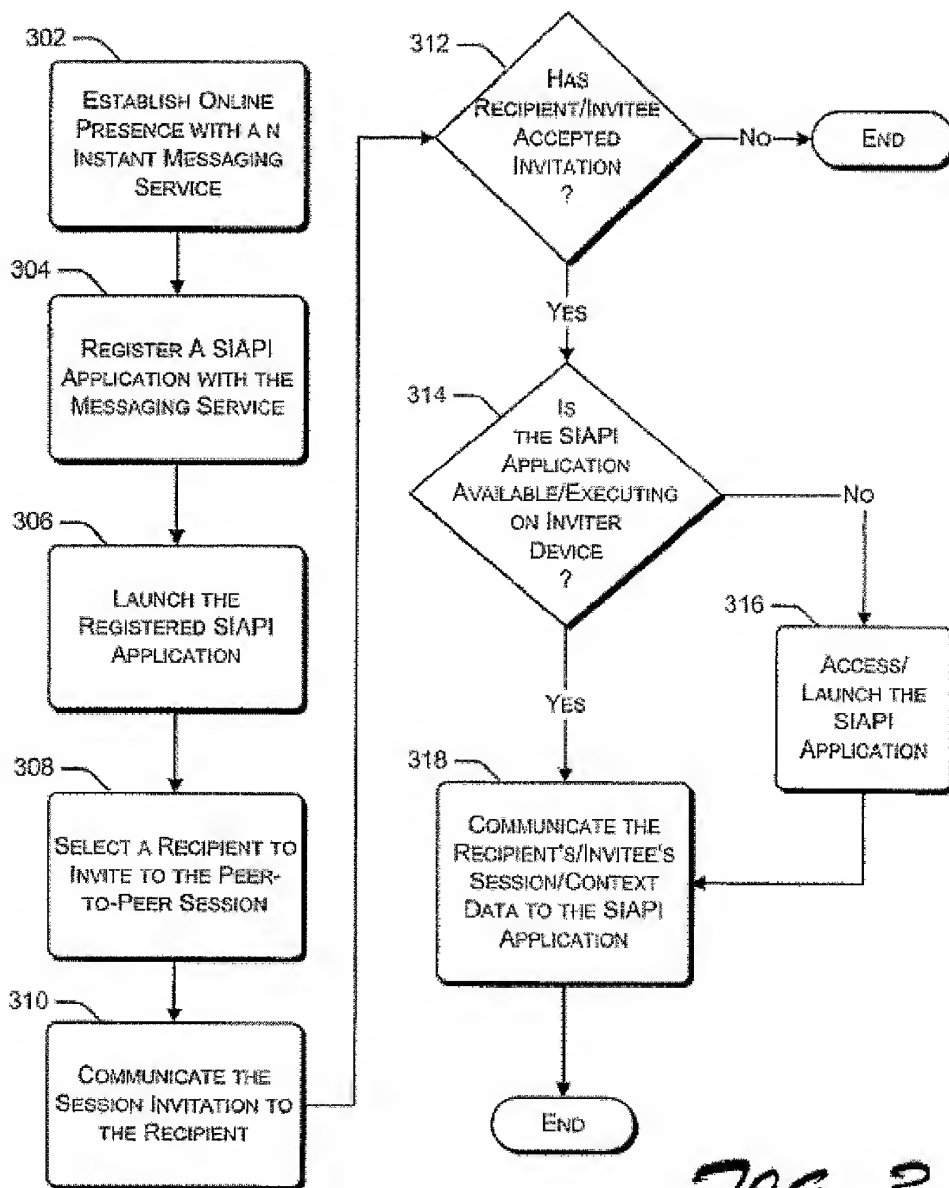


Fig. 3

[0017] As shown in Fig. 3, a first and a second client device 106 establish online presence with an instant messaging service relay server 102 in Step 302. At block 304, an SI-API (Session Invitation API) enabled application is registered with the messaging service. At block 306, an inviter launches the application. The inviter selects a recipient

to engage in a peer-to-peer session and then communicate with the recipient (Steps 308 and 310). If the recipient accepts the invitation, the inviter messenger platform determines whether an instance of the SI-API enabled application is available on the recipient's device (Step 314). If such SI-API enabled application is executing on the recipient's device, a peer-to-peer session is then established (Step 318).

**[0018]** However, Dickerman is completely silent in transmitting a portion of data through a first connection via a switchboard server and later transmitting a subsequent portion of data through the established peer-to-peer connection. At best, Dickerman teaches to establish a peer-to-peer connection through and independent of an instant messaging service. Dickerman, on the other hand, fails to teach transmitting data through a first connection via switchboard server and a second peer-to-peer connection.

**[0019]** Accordingly, amended claim 18 is respectfully asserted patentably distinct from Dickerman.

### **Dependent Claims**

**[0020]** In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

## CONCLUSION

**[0021]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: 11-20-07

By:  40559

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